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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,251

09/26/2003

Jcyhan Karaoguz

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EXAMINER

LONG, ANDREA NATAE

ART UNIT

PAPER NUMBER

2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/672,251

Applicant(s)

KARAOGUZ ET AL.

Examiner

Andrea N. Long

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

Claims 1-27 have been examined in response to application filed 09/26/2003.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Jason M. Nash (PG Publication US 2001/0021994 A1), hereinafter "Nash".

As to claim 21, Nash teaches a method of operating a system supporting the automatic selection of media according to a user profile (page 1 paragraphs [0004] [0020]), the method comprising: receiving a user profile from a user; automatically selecting media according to the user profile (page 2 paragraph [0019]); communicating to the user information identifying the media (page 2 paragraph [0019], transmitting apparatus; receiving a request from the user for at least a portion of the identified media (page 2 paragraph [0019], receiving device); and coordinating the delivery of at least a portion of the identified media from a source to the user for consumption (page 2 paragraph [0019]).

As to claim 22, Nash teaches wherein the user profile comprises at least one of

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a user interest, an age, a hobby, a gender, a viewing history, a genre, a media type, a media format, a media quality, a time, and user selected media (page 2 paragraph [0019]).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jason M. Nash (PG Publication US 2001/0021994 A1) in view of Bin Lu (US Patent 7065778 B1), hereinafter "Lu".

As to claim 1, Nash discloses a system supporting the automatic selection of media (advertisements) according to a user profile (page 1 paragraphs [0004] [0020]), the system comprising:

a television display to support the consumption of media (page 1 paragraph [0020];

a user interface accessible via the television display, the user interface displaying at least one media channel comprising media available for consumption (page 2 paragraph [0021], page 5 paragraph [0056], Figure 4);

a storage (memory) that stores media (page 1 paragraph [0005]), the storage communicatively coupled to the television display (Figure 1). Nash also teaches a user identifier (page 3 paragraph [0024]).

However, Nash does not teach the storage having an associated network address and server software that receives a request identifying at least one of the associated network address and a user identifier, and responds by automatically selecting media according to a user profile, the user profile corresponding to at least one of the associated network address and a user identifier, and delivering to the storage, via a communication network, information identifying the selected media, the information for incorporation into the user interface. Lu teaches server software (Figure 3 reference character 304, EPG Server) that receives a request identifying at least one of the associated network address and delivering to the storage (column 10 lines 5-22), via a communication network (Internet, Figure 3 reference character 302), information identifying the selected media (column 10 lines 10-15).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the selection of media according to a user profile of Nash with the system of providing media from remote location to a viewer of Lu to enable television viewers to receive desired television programming which is broadcast in

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remote locations throughout the world, which in return would supply more information to advertisers for selecting appropriate advertisements based on the users profile.

As to claim 2, Lu teaches wherein the associated network address is one of an Internet protocol (IP) address, a media access control (MAC) address, and an electronic serial number (ESN) (column 10 lines 10-15, IP address).

As to claim 3, Lu teaches wherein the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (column 7 lines 1-8).

As to claim 4, Lu teaches wherein the communication network is the Internet (column 7 lines 1-8).

As to claim 5, Lu teaches wherein the selected media comprises at least one of audio, a still image, video, and data (column 7 lines 25-28).

As to claim 6, Lu teaches wherein the selected media comprises real-time video (column 6 lines 50-53, column 7 lines 25-28).

As to claim 7, Li teaches wherein consumption comprises at least one of playing audio, displaying a still image, displaying video, and displaying data (column 7 lines 25-28).

As to claim 8, Nash teaches wherein the user profile corresponds to an individual user (page 3 paragraph [0024]).

As to claim 9, Nash teaches wherein the user profile comprises at least one of a user interest, an age, a hobby, a gender, a viewing history, a genre, a media type, a media format, a media quality, a time, and a media selection (page 2 paragraph [0019], monitoring viewing habits).

As to claim 10, Nash teaches a system supporting the automatic selection of media according to a user profile (page 1 paragraphs [0004] [0020]), the system comprising: a user interface displaying at least one media channel comprising media available for consumption (page 2 paragraph [0021], page 5 paragraph [0056], Figure 4); and a storage (memory) that stores media (page 1 paragraph [0005]). Nash does not teach the storage having an associated network address; and server software that automatically selects media according to a user profile, and delivers to the storage, via a communication network, information identifying the selected media, the information for incorporation into the user interface. Lu teaches storage having an associated network address (column 10 lines 5-22), delivering media to the storage via a

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communication network ((Internet, Figure 3 reference character 302), information identifying the selected media (column 10 lines 10-15).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the selection of media according to a user profile of Nash with the system of providing media from remote location to a viewer of Lu to enable television viewers to receive desired television programming which is broadcast in remote locations throughout the world, which in return would supply more information to advertisers for selecting appropriate advertisements based on the users profile.

As to claim 11, Lu teaches wherein the media comprises at least one of audio, a still image, video, and data (column 7 lines 25-28).

As to claim 12, Lu teaches wherein the media comprises real-time video (column 6 lines 50-53, column 7 lines 25-28).

As to claim 13, Lu teaches wherein the network address is one of an Internet protocol (IP) address, a media access control (MAC) address, and an electronic serial number (ESN) (column 10 lines 10-15, IP address).

As to claim 14, Lu teaches wherein consumption comprises at least one of playing audio, displaying a still image, displaying video, and displaying data (column 7 lines 25-28).



As to claim 15, wherein the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (column 7 lines 1-8).

As to claim 16, Lu teaches wherein the communication network is the Internet (column 7 lines 1-8).

As to claim 17, Nash teaches wherein the user profile comprises at least one of a user interest, an age, a hobby, a gender, a viewing history, a genre, a media type, a media format, a media quality, a time, and user selected media (page 2 paragraph [0019], monitoring viewing habits).

As to claim 18, Lu teaches wherein the server software supports anonymous media exchange (column 6 lines 33-61).

As to claim 19, Lu teaches wherein the server software coordinates the delivery of the selected media to the storage (column 6 lines 54-58).

As to claim 20, Lu teaches wherein the server software is at a location separate from the storage (column 7 lines 20-24, Figure 3).

As to claim 23, note the discussion above, Nash teaches the method claim 21. However Nash does not teach wherein the media comprises at least one of audio, a still image, video, real-time video, and data. Lu teaches wherein the media comprises at least one of audio, a still image, video, real-time video, and data (column 7 lines 25-28).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the method of Nash with the details of the data of Lu to allow for diverse media and not to limit the display of media to the user.

As to claim 24, note the discussion above, Nash teaches the method of claim 21. Nash does not teach wherein the consumption comprises at least one of playing audio, displaying a still image, displaying video, and displaying data. Lu teaches wherein the consumption comprises at least one of playing audio, displaying a still image, displaying video, and displaying data (column 7 lines 25-28).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the method of Nash with the details of the data of Lu to allow for diverse media and not to limit the display of media to the user.

As to claim 25, note the discussion above, Nash teaches the method of claim 21. However, Nash does not teach wherein the delivery uses a communication network

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comprising at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure. Lu teaches wherein communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (column 7 lines 1-8).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the method of Nash with the communication network of Lu to enable television viewers to receive desired television programming which is broadcast in remote locations throughout the world, which in return would supply more information to advertisers for selecting appropriate advertisements based on the users profile.

As to claim 26, Lu teaches wherein the communication network is the Internet (column 7 lines 1-8).

As to claim 27, note the discussion above, Nash teaches the method of claim 21. Nash does not teach wherein the user is unknown to the source. Lu teaches wherein the user is unknown to the source (column 6 lines 33-61).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the method of Nash with the flexibility of Lu to allow access to multiple sources without providing user information.

### ***Conclusion***

5. The prior art made of record on Form PTO 892 and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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01/04/2007

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**PRIMARY EXAMINER**